REMARKS

The Office Action of March 17, 2008, and the references cited therein have been carefully considered.

In this Amendment, the specification has been amended to correct noted minor informalities and to provide section headings, and the claims have been amended to correct noted informalities without changing the scope in any way.

Applicants note that the previously filed Information Disclosure Statement was not considered on the grounds it does not conform with 37 C.F.R. §1.98. Such consideration is requested at this time in view of the indication in the telephone Interview Summary dated March 28, 2008, that the references cited in the International Search Report for the parent PCT application should have been considered and would be considered in the next Office Action.

The rejection of claims 1-11 (i.e., all of the pending claims) as being unpatentable under 35 U.S.C. §103(a) over the patent to Kastura et al. in view of the patent to Fiechter has been noted and is respectfully traversed. In urging this ground of rejection, the Examiner basically has taken the position that Kastura et al. discloses all of the claimed features, except for the step of stopping the cyclical storing and overwriting the messages sent on the communications network in the volatile storing means until the data content of the volatile storing means had been transferred to a non-volatile storing means; Fiechter teaches transferring data to a second non-volatile storing means; and, consequently, it would have been obvious to one skilled in the art to combine this feature of Feichter with the process of Kastura et al. to arrive at Applicants' claimed invention. It is submitted, however, that even if, for the sake of argument, the combination suggested by the Examiner were obvious to one skilled in this area, the resulting process would not be that defined in claim 1 or in any of claims 2-11, dependent thereon.

The present invention is directed to a data logging method for protocoling traffic on a data bus of a vehicle communications network. According to the invention as defined in claim 1, the messages on the network from the various electronic units connected to the network are *themselves* continuously stored in volatile storage means and cyclically overwritten. The messages being stored in the

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volatile storage means are monitored for selected parameterizable attributes, e.g., error bits and, upon the occurrence of at least one defined trigger event as a result of the monitoring, the cyclical overwriting of the stored messages in the volatile storing means ceases until the data content (i.e., the stored messages) of the volatile storing means has been transferred to non-volatile storing means. Subsequently, the data stored in the non-volatile storing means may be read out for analysis to a system external to the vehicle. This novel combination of features is nowhere taught or made obvious by any combination of the teachings of the Kastura et al. and Fiechter patents.

The patent to Kastura et al., as well as the patent to Fiechter, is not directed to data logging systems, but rather to diagnostic systems. According to the Kastura et al. patent, the messages on the communications network are periodically read and analyzed by a diagnostic program to determine if malfunctions are present. If a malfunction is identified, the diagnostic program causes an error code representing the malfunction to be stored in non-volatile memory. If the stored malfunction does not occur again after a predetermined period of time, the stored code may be deleted from the non-volatile memory. Error codes stored in the non-volatile memory are read out when the vehicle is turned on to provide the operator with a warning concerning the stored malfunction. In the Kastura et al. method, there is *no storing* of the *actual messages* on the communication network *in a volatile storing means; no cyclical overwriting* of the messages stored in the volatile storing means; *no monitoring* of the stored messages with regard to certain attributes; and, clearly, *no stopping of the overwriting upon the occurrence of a definable trigger event until the data content of the volatile storing means is transferred to volatile storing means.* In short, entirely different types of methods are involved.

In an attempt to overcome its admitted deficiencies, the Office Action combines the Kastura et al. patent with the Fiechter patent in an effort to show that transferring data to a second non-volatile storing means is known in the art. However, the Fiechter patent discloses a method of improving external maintenance systems. For this purpose, Fiechter provides a telematic platform that enables the read out of stored data. For this method, Fiechter must store all available data and, for this purpose, provides only one very large non-volatile storing means on the

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vehicle. There is no monitoring program, no cyclical storing and overwriting, no second non-volatile storage on the vehicle and no trigger event for reading out the storage means. The storage means may be subsequently read out for analysis to an off-board further non-volatile storage means. Thus, it is clear that Fiechter does not overcome the deficiencies of the Kastura et al. reference.
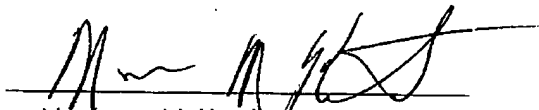
In summary, neither reference teaches the storage of messages on the communications network in a volatile memory with cyclical overwriting; the monitoring of the messages for certain attributes, or the triggered read out of the temporarily stored data upon the occurrence of a defined trigger event as a result of the monitoring. Accordingly, for the above-stated reasons, it is submitted that claim 1, and claims 2-11 dependent thereon, are allowable over the combination of Kastura et al. and Fiechter. Such action and the passing of this application to issue are respectfully requested.

If the Examiner is of the opinion that prosecution of the present application would be advanced by a personal interview, he is invited to telephone undersigned counsel to arrange for such an interview.

Respectfully submitted,

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